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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,519	08/30/2000	Akhil Sahai	10991884	1432

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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/651,519

Applicant(s)

SAHAI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Detail Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/2004 has been entered.

Claims 1-3 and 11 have been amended. Claims 21-24 have been added as new claims. Claims 1-24 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-2, 11-12 and 21-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Angal et al. (US 6,064,656), herein after referred as Angal.**

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4. As to claim 1, Angal teaches a method for obtaining information useful for management of a composite e-service, comprising the steps of:

generating a set of management information for each of a set of service interactions among a set of e-services in the composite e-service (*at each server, the responses generated by requests and sub-requests are determined*), the e-services arranged in a tree structure including a first e-service (*the MIS 150 of Fig. 3*) that provides a portal to the composite e-service (Angal, C12: L65-67 and C13: L1-5);

in performing the set of service interactions, at least the first e-service (*the MIS 150*) sending a first request to a second e-service (*the auxiliary server 152*) at a first lower level of the tree structure, and the second e-service (*the auxiliary server 152*) sending a second request to a third e-service (*objects in respective designated subtree managed by the auxiliary server 152 of the management objects tree*) at a level of the tree structure lower than the first lower level (*each of the auxiliary servers 152 performs access control for objects in its own respective designated subtrees of the management objects tree*) (Angal, C6: L45-59);

transferring the sets of management information up the tree structure to the e-service (*at each server, the responses generated by requests and sub-requests are determined and sent back to the MIS*) that provides the portal (Angal, C12: L65-67); and

combining the management information at each of a set of levels of the tree structure (*the response combining operation is performed first at each server where the request or sub-request is processed, and again at the MIS for those requests that are partitioned into sub-requests*) (Angal, C13: L52-63).

5. As to claim 2, Angal teaches the method of claim 1, further comprising: in performing the set of service interactions, at least the third e-service sending a response to the second e-service in response to the second request, and the second e-service sending a response to the first e-service in response to the first request (*at each server, the responses generated by requests and sub-requests are determined and sent back to the MIS*) (Angal, C12: L65-67).

6. Claims 11-12 are corresponding composite e-service claims of claims 1-2; therefore, they are rejected under the same rationale.

7. Claims 21-24 are corresponding system claims of method claims 1-2, wherein the digital services comprising at least one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services (*Angal teaches a network management system 100 for controlling access to management objects in a computer network 106, wherein the computer network 106 can be virtually any type of computer implemented network that uses a management protocol for performing management functions*) (Angal, C4: L43-50); therefore, they are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of McCollum (US 6,427,168).**

10. As to claims 3-4, Angal teaches the method of claim 1, but does not explicitly teach that each set of management information is contained in a management object having the form of an XML document.

In the related art, McCollum teaches a method for communicating management information via COM (*Component Object Model*) and/or DCOM (*Distributed Component Object Model*) by invoking methods of objects over an underlying protocol such as TCP or any suitable interprocess communication mechanism such as XML/CIM over HTTP (McCollum, C5: L5-21).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and McCollum to have the management information contained in a management object as an XML

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document because such methods were conventionally employed in the art wherein DCOM, XML/CIM and HTTP are well-documented and it would provide the system the flexibility to communicate management information over the network using XML object *(as any protocol capable of passing object information maybe used)* to perform network performance monitoring.

11. Claims 13 and 14 are corresponding composite e-service claims of method claims 3 and 4; therefore, they are rejected under the same rationale.

**12. Claims 5-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of Hoang (US 6,459,700).**

13. As to claim 5, Angal teaches the method of claim 1, but does not explicitly teach the step of combining the management information using an indicator carried in each set of management information that identifies a service interaction between a client and the portal.

In the related art, Hoang teaches each management information object is accessed or otherwise referenced using a corresponding object identifier "OID" *(i.e., an indicator)*, which comprises a sequence of integers for traversing the successive nodes of the tree structure *(i.e., identifying the service interaction between a client and the portal)* (Hoang, C22: L40-44).



Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and Hoang to use an indicator (*i.e.*, an *Object Identifier*) carried in each set of management information to identify a service interaction between a client and the portal because such methods were conventionally employed in the art wherein management information objects are accessed or referenced using a corresponding object identifier and it would allow the system to identify and process the correct information as specified/requested in network performance monitoring.

14. As to claims 6-10, Angel-Hoang teaches the method of claim 1, wherein the management information includes a time taken, an indication of errors, costs, security violations and resource usage in the corresponding e-service while servicing a corresponding request (Hoang, C22: L60-63).

15. Claims 15-20 are corresponding composite e-service claims of method claims 5-10; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

16. In the remarks, applicant argued in substance that

(A) Prior Art does not disclose "a first e-service (that provides a portal to the composite e-service) sending a first request to a second e-service at a first lower level of the tree structure, and the second e-service sending a second request to a third e-service at a level of the tree structure lower than the first lower level" as in claim 1.

As to point (A), **Angal** teaches a first e-service (*the MIS 150 providing a portal to management objects in a computer network*) sending a first request to a second e-service (*the auxiliary server 152*) at a first lower level of the tree structure, and the second e-service (*the auxiliary server 152*) sending a second request to a third e-service (*objects in respective designated subtree managed by the auxiliary server 152 of the management objects tree*) at a level of the tree structure lower than the first lower level (*each of the auxiliary servers 152 performs access control for objects in its own respective designated subtrees of the management objects tree*) (**Angal**, Fig. 3 and C6: L45-59).

Hence, **Angal** does teach "a first e-service (*that provides a portal to the composite e-service*) sending a first request to a second e-service at a first lower level of the tree structure, and the second e-service sending a second request to a third e-service at a level of the tree structure lower than the first lower level" as in claim 1.

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17. Applicant's arguments as well as request for reconsideration filed on 06/14/2004 have been fully considered but they are not deemed to be persuasive.

18. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

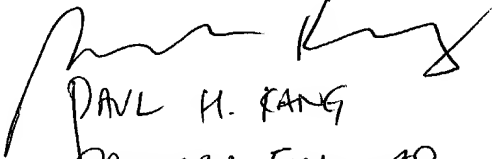
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

*Q.N.*

Quang N. Nguyen

  
PAUL H. FANG  
PRIMARY EXAMINER